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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,685	02/23/2004	Jason W. Driver	DLL1268	6988
7590 07/28/2004				
Sean A. Kaufhold P.O. Box 131447 Carlsbad, CA 92013			EXAMINER NGUYEN, PHUONGCHI T	
			ART UNIT 2833	PAPER NUMBER

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/783,685

Applicant(s)

DRIVER, JASON W.

Examiner

Phuongchi Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-9 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US6135623).

In regarding to claim 1, Lin discloses a light bulb socket and mounting combination comprising a socket assembly (20) having a bottom wall and a peripheral wall (23, 24) being attached to and extending upwardly from the bottom wall (or bottom edge), the peripheral wall (23, 24) having an upper edge (or upper wall) defining an opening (forming by 23) extending in the socket (20), the opening (forming by 23) having an inner threaded surface (231) (see figure 1) adapted for threadably coupling with a light bulb (41), the opening (forming by 23) having a pair of electrical contacts (43, 42) therein, a power cord (40) extending through the socket assembly (20) and being electrically coupled to each of the electrical contacts (43, 42); a female coupler (forming by 24) being attached to a surface of the bottom wall (or bottom edge) and extending downwardly therefrom; and

a stake (11) having a bottom end (pointed end), a top end (adjacent 151) and a perimeter wall (13+wall of body 11) extending between the top (adjacent 151) and bottom ends (pointed end), the bottom end being pointed, the top end (adjacent 151) being substantially flat, the top end (adjacent 151) having a male coupler (15) extending therein for selectively coupling with the female coupler (forming by 24). Lin lacks a male coupler attached to the bottom wall of the socket assembly and a female coupler attached to the top end of the stake. It would have been

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obvious to one having ordinary skill at the time the invention was made to rearrange the female coupler and a male coupler of Lin by having a male coupler attached to the socket assembly to engage with a female coupler of the stake; since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

In regarding to claim 2, Lin discloses the combination further including a plurality of flanges (edges forming on the body of 11) being attached to and extending outwardly from the perimeter wall (wall of body 11) (figures 1 and 5).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hsu (US5928026), Lovett (US4996636) and Lee (US5398180) are cited to show in the light bulb socket and mounting combination having the perimeter wall with the contacts and power cords.

*Allowable Subject Matter*

4. Claims 5-9 are allowed.

5. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

In regarding to claims 3 and 9, none of prior art teaches or suggests the light bulb socket and mounting combination comprising wherein each of the flanges extends from and tapers from the top end to the bottom end of the perimeter wall of the stake.

In regarding to claim 5, none of prior art teaches or suggests the light bulb socket and mounting combination comprising a cap member including a pair of arms extending upwardly from the bottom wall through the bottom open end on either side of the bridge for removably

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securing in the covering, where the bridge mounted and extending across the covering nearer the bottom open end than the top open end; and an inside surface of the arms being threaded to couple with the light bulb; and a gripping member attached to the arms to biasing the power cord against the first contacts.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchi Nguyen whose telephone number is (571) 272-2012. The examiner can normally be reached on 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PCN

July 19, 2004



ROSS GUSHI  
PRIMARY EXAMINER